Filed 7/16/20 In re L.D.B. CA2/7

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

In re L.D.B. et al., Persons Coming Under the Juvenile Court Law.	B301109 (Los Angeles County Super. Ct. No.18CCJP08191)
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. C.S., Defendant and Appellant.	

APPEAL from an order of the Superior Court of Los Angeles County, Emma Castro, Juvenile Court Referee. Affirmed.

Melissa A. Chaitin, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, and Jacklyn K. Louie, Principal Deputy County Counsel, for Plaintiff and Respondent.

C.S. (Mother) appeals from the denial of her petition under Welfare and Institutions Code[1] section 388 and termination of her parental rights over her twin daughters, L.D.B. (L.D.) and L.E.B. (L.E.), who were then nine months old. Mother contends the juvenile court abused its discretion in denying her section 388 petition without an evidentiary hearing. Further, Mother argues the court erred by finding the parental relationship exception to adoption did not apply. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

A. *The Department's Investigation*

In December 2018 the Los Angeles County Department of Children and Family Services (Department) received a referral alleging Mother and Aaron B. (Father)[2] "were very aggressive" with hospital staff, intoxicated, and smelled of cigarette smoke when they visited newborns L.D. and L.E. in the neonatal intensive care unit. After Mother's hospital discharge, Mother and Father stayed at the Ronald McDonald House. When a hospital staff member went to the house to retrieve the hospital's

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[1] Further undesignated statutory references are to the Welfare and Institutions Code.

[2] Father is not a party to this appeal.

cart, Father became angry and pushed the cart into the staff member. The director of the house reported Mother and Father smelled of alcohol and appeared intoxicated during their three-day stay. At 10:00 p.m. on the third day of the parents' stay, a staff member found Father crawling in front of the facility while on drugs. Mother was intoxicated, with slurred speech, and smelled of alcohol. The director asked Mother and Father to leave because of their substance use, and she called law enforcement when they refused. It took law enforcement two and a half hours to get Mother and Father to leave.

Mother denied she drank alcohol or used drugs, but she admitted to smoking cigarettes. Mother stated she stopped drinking six years earlier. She acknowledged prior domestic violence with Father "but not now." Father denied he had a history of substance abuse or domestic violence. He also denied drinking, arguing, or fighting at the Ronald McDonald House, claiming he was asked to leave because he did not have an identification card.

B. *The Dependency Petition*

On December 26, 2018 the Department filed a petition on behalf of L.D. and L.E. under section 300, subdivisions (a) and (b)(1). The petition alleged Mother and Father had a history of engaging in violent altercations, including a December 11, 2018 incident in which Father grabbed and pulled Mother. Further, Father had a history of violent and assaultive behavior and criminal convictions for assault with a caustic chemical and battery on a peace officer or emergency personnel. The petition alleged Mother and Father had histories of substance and alcohol abuse, rendering them unable to care for their young children.

The petition also alleged sibling Destiny B. was a former dependent of the juvenile court and received permanent planning services because of Mother's and Father's domestic violence and substance abuse and Father's violent and assaultive behavior. In addition, half sibling Godwin L. was a former dependent of the juvenile court and received permanent planning services because of Mother's substance abuse.

C. *The Jurisdiction and Disposition Report and Jurisdiction Hearing*

After the twins were detained, Mother had monitored visits with them twice a week for two hours each visit. Mother consistently visited and was on time. The caregiver expressed concern that the children's clothes and blankets smelled of cigarette smoke when they returned from visits. The caregiver also reported that following the visits the children were irritable and pushed away their bottles at feedings. It took the children two days to get back to their normal schedule after they saw Mother.

On February 25, 2019 Mother and Father pleaded no contest to the allegations they had a history of violent altercations and substance abuse. The juvenile court sustained the allegations Mother had a history of alcohol abuse that rendered her unable to provide regular care and supervision of the children. The court also found true sibling Destiny and half sibling Godwin were former dependents of the juvenile court due to Mother's substance abuse. The contested disposition hearing was continued and later set for May 29, 2019.

D. *Last Minute Information for the Court*

From December 26, 2018 to April 17, 2019 Mother had three missed tests and nine negative test results for drug and alcohol use. On March 8, 2019 L.D. and L.E. were placed in the home of Destiny's caregiver. Mother continued to visit the children at the Department's office for two to three hours each visit. During the monitored visits, Mother took videos of the children to document purported abuse by the caregiver and asked to meet with public health nurses (PHN's) and social workers to point out "alleged marks or bruises on the children's bodies." L.D., the smaller twin, had reflux and skin rashes and vomited through her nose because of feeding issues. Nurse Taggart, who observed the children at Mother's request, reported the children were "petite (status post 34 weeks premature) with no signs [of] abuse, neglect, failure to thrive, injury or acute illness." After the third PHN consultation, the children were referred for a forensic examination, including skeletal scans, to address Mother's claims of abuse.

Although Mother was attentive toward the children during the monitored visits, the dependency investigator raised concerns. Mother was unwilling to follow the recommendation of the children's pediatrician concerning the children's feeding schedules. Mother said she would continue to feed the children "if they look[ed] like they were hungry." According to the dependency investigator, L.D. "usually vomits the formula through her nose and has runny diarrhea as a result of feeding before her scheduled times." Further, Mother continued to smell strongly of cigarette smoke during the visits even though she had been counseled not to expose the infants to second-hand smoke.

On April 12, 2019 Nurse Phillips-Harris observed Mother allowing L.E.'s "head to drop back unsupported" while Mother showed the nurse a rash around the baby's neck. Nurse Phillips-Harris wrote, "PHN has concerns about the mother's ability to safely handle these two small babies. It did not appear to this PHN that the mother understands where these babies are developmentally (needing head support, the need for constant interaction/bonding while awake, hands on the baby at all times when on elevated surface, potential growth spurts causing hunger at abnormal times or at unscheduled feeding times, etc.). During this PHN's time in the room, approximately 10-15 minutes, PHN did not note the mother even making eye contact with either of the babies. The focus was specifically on this PHN. The babies were looking around for faces to interact with. Both babies responded appropriately to this PHN's social smile and calling to them with a return smile to the PHN."

E. *The Disposition Hearing*

At the May 20, 2019 disposition hearing, the juvenile court declared L.D. and L.E. dependents of the court. The court removed the children from Mother's physical custody pursuant to section 361, subdivision (c). The court also found by clear and convincing evidence it would be detrimental to the children's safety and physical and emotional well-being to place them with Father, the noncustodial parent.

At the recommendation of the Department, the juvenile court denied Mother and Father reunification services, finding by clear and convincing evidence that section 361.5, subdivision

(b)(10) and (11),[3] applied because Mother's reunification services and parental rights were terminated as to sibling Destiny and half-sibling Godwin in the prior dependency cases. The court commended Mother for her recent engagement in services to address her alcohol problem. But the court concluded as to each child that under section 361.5, subdivision (c)(2), there was no "clear and convincing evidence . . . that reunification is in the best interest of the child." The court declined to exercise its discretion to grant reunification services, finding services would not be in the children's best interest "given the entirety of the history before me." However, the court advised Mother and Father they could file a section 388 petition "for the court to review and address any requests made in that regard."

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[3] Section 361.5, subdivision (b), provides reunification services need not be provided to a parent if the court finds by clear and convincing evidence "(10) [t]hat the court ordered termination of reunification services for any siblings or half siblings of the child because the parent or guardian failed to reunify with the sibling or half sibling after the sibling or half sibling had been removed from that parent or guardian pursuant to Section 361 and . . . according to the findings of the court, this parent or guardian has not subsequently made a reasonable effort to treat the problems that led to removal of the sibling or half sibling of that child from that parent or guardian," or "(11) [t]hat the parental rights of a parent over any sibling or half sibling of the child had been permanently severed, . . . and that, according to the findings of the court, this parent has not subsequently made a reasonable effort to treat the problems that led to removal of the sibling or half sibling of that child from the parent."

F. *The Adoption Assessment*

The permanent planning adoption assessment identified the children's caregiver, J.A., as the prospective adoptive mother. J.A. had adopted the twins' older sister Destiny five years earlier, and she was willing to adopt L.D. and L.E. if Mother and Father failed to reunify with them. J.A. reported L.D. and L.E. received occupational therapy, physical therapy, and early intervention services through the Regional Center.

G. *Section 366.22 Report*

In its September 9, 2019 section 366.26 report, the Department identified adoption as the permanent plan for L.D. and L.E. The report stated the children had been in the home of J.A. since they were two and a half months old.

Mother consistently visited the children twice a week for two hours each visit at the Department's office. The report stated Mother "shows appropriate attention, care and affection for the children during the visits." But the report added, "Mother often criticizes the care that her children are receiving and appears to focus on the way the children look and has the Department utilize the assistance of the [PHN] to get involved in examining the children, especially in regards to prior repeated concerns that have been previously addressed."

H. *Mother's Section 388 Petition*

On September 9, 2019 Mother filed a section 388 petition requesting family reunification services and increased monitored visitation with the Department having "discretion to liberalize to unmonitored in a neutral or community location." Mother stated she "would like to participate in an outpatient program and is

willing to continue testing for the Department and attend therapy." Mother explained granting her reunification services would strengthen her bond with the twins, "foster a sense of security, and promote social/cognitive development." Mother added that the twins' relationship with her was "imperative for their overall development and emotional health."

In support of her section 388 petition, Mother presented evidence she had monitored visits with her daughters 38 times at the Department's office. Mother acknowledged the Department's concerns in April 2019 about her ability to safely handle and properly feed the twins and to eliminate the smell of cigarettes from her clothing. Mother stated she "remained dedicated in learning how to be a better parent through her participation at Personal Involvement Center, Inc., and working on reducing and eventually quitting smoking cigarettes." Mother submitted a certificate of completion showing her participation in 13 weeks of parenting classes. Mother reported she "has learned how to maintain healthy baby routines and has increased her knowledge on early childhood development." Mother added, "During her visits, she has expressed several concerns about her daughters' physical safety and digestion issues. As a result of [Mother's] concerns, the children were taken to a forensics examination and their formulas have been changed." Further, Mother submitted the June 25, 2019 child and family team meeting notes in which the staff reported Mother had consistently visited the children, became better at handling her anger, and implemented tools learned in her parenting classes.

Mother submitted nine negative alcohol and drug test results and an Alcoholics Anonymous meeting card showing she attended 29 meetings. Mother also provided a letter from her

therapist reporting Mother had actively participated in three therapy sessions in August 2019 to treat her diagnosed major depressive disorder. Finally, Mother submitted certificates of completion for 13 weeks each of anger management and domestic violence for victims classes.

On September 24, 2019 the juvenile court summarily denied Mother's section 388 petition. The court found the proposed change would not promote the children's best interests. The court explained, "Mother's visits were ordered monitored visits since the original detention hearing of December 27, 2018. Her visits continue to be monitored 9 months later."

I. *The Selection and Implementation Hearing*

Mother testified at the September 24, 2019 contested section 366.26 hearing. In preparation for visits with the children, Mother set up the visitation room with a couch, the children's baby walkers, and pedicure and manicure tools. Mother brought baby walkers for nine-month-old L.D. and L.E. to "check on their mobility." Mother stated the children were not walking yet "because they have bad sweat glands."

When the children arrived by car with the visitation monitor, Mother carried them in their car seats to the visitation room. The children recognized Mother and would kick and reach towards her as she prayed over them. Next Mother took each child out of the car seat. Mother testified, "So, when I get to my babies, I take one, I look at her, kiss her, hug her, look her in the eyes and put her to my heart."

During each visit, Mother gave the children manicures, pedicures, and sponge baths with wipes. She checked the children "from head to toe, thoroughly, [to] make sure they're

thriving." At each two-hour visit, Mother fed each child two bottles of four ounces of formula, an hour apart, along with mashed potatoes, Malt-o-Meal, or grits. Mother also changed the children's diapers and cleaned their ears and noses. Mother concluded the visits by praying for the children's safe travel and carrying them in their car seats to the monitor's car.

Mother expressed concerns about the children's well-being and appearance. She observed L.E. had a "deep gash wound" on her left calf. Both L.D. and L.E. had forensic examinations in March 2019, but Mother had not yet received the results. Mother attended the examination for L.E. In April 2019 Mother became concerned when she saw one side of L.D.'s head had been shaved and resembled a mohawk. Mother reported her concern to a social worker supervisor, who inquired whether Mother wanted to take legal action. Caregiver J.A. denied knowing anything about L.D.'s shaved head when Mother spoke with her on the phone. Mother admitted that in seven out of every 10 visits she sought the involvement of the PHN or someone else because of her concerns about the children.

Mother was aware of the children's strict feeding schedule due to their acid reflux and digestion issues. But Mother stated, "[I]f I see my babies hungry, and the worker just told me they are full, I'm going to feed them." Mother admitted she did not, and would not, follow the visitation monitor's instructions not to feed the children if their "body language is saying that they're hungry." Mother claimed when she fed the children, the monitor would respond that she did not know the children were that hungry.

After hearing oral argument, the juvenile court found by clear and convincing evidence L.D. and L.E. were adoptable. The

court concluded Mother failed to meet her burden of showing termination of parental rights would be detrimental to the children under the beneficial parental relationship exception. The court found Mother maintained regular visitation with the children. But it found "insufficient evidence to show that [Mother] occupies a parental role in either of these two children's lives." The court observed Mother "never progressed beyond monitored visits." Although the court acknowledged Mother's love and concern for her children's well-being, it found Mother "did not regularly participate in any of the children's Regional Center services" or testify "regarding her knowledge or any experience in dealing with the children's developmental needs." The court also found Mother's demands that a social worker or PHN observe the children for abuse at nearly every visit created "unnecessary intrusive interventions." The court discounted Mother's testimony about L.D.'s shaved head and the deep gash on L.E.'s calf, finding no support for Mother's allegations in the Department's reports. In addition, the court found Mother's disregard of the pediatrician's strict dietary plan for the children was a "major concern." The court found Mother lacked an understanding of her children's needs when visiting them. The court concluded Mother's relationship with the children did not promote the children's wellbeing to a degree it outweighed the benefit the children would gain in a permanent home with adoptive parents. The court found no exceptions to adoption applied and terminated Mother's and Father's parental rights over L.D. and L.E.

Mother timely appealed.

DISCUSSION

A. *The Juvenile Court Did Not Abuse Its Discretion in Denying Mother a Hearing on Her Section 388 Petition*

1. *Governing law*

Under section 388, subdivision (a)(1), a parent may petition to change, modify, or set aside a juvenile court order. As the moving party, the parent has the burden of showing by a preponderance of the evidence (1) a change in circumstance or new evidence and that (2) modification of the previous order is in the child's best interest. (*In re Jasmon O.* (1994) 8 Cal.4th 398, 415; *In re Stephanie M.* (1994) 7 Cal.4th 295, 317; see Cal. Rules of Court, rule 5.570(h)(1)(D).) A section 388 petition must be "liberally construed in favor of granting a hearing to consider the parent's request." (*In re Marilyn H.* (1993) 5 Cal.4th 295, 309; accord, *Jasmon O.*, at p. 415 ["'if the petition presents any evidence that a hearing would promote the best interests of the child, the court will order the hearing'"]; see Cal. Rules of Court, rule 5.570(a).)

A moving party is only entitled to an evidentiary hearing on a section 388 petition if he or she makes a prima facie showing of both a change in circumstance or new evidence and that the proposed change is in the child's best interests. (Cal. Rules of Court, rule 5.570(d)(1) [§ 388, subd. (a), petition may be denied without a hearing if it "fails to state a change of circumstance or new evidence . . . or fails to show that the requested modification would promote the best interest of the child"]; *In re Alayah J.* (2017) 9 Cal.App.5th 469, 478 ["To obtain an evidentiary hearing on a section 388 petition, a parent must make a prima facie showing that circumstances have changed since the prior court

order, and that the proposed change will be in the best interests of the child."].) A parent does not make a prima facie showing "unless the facts alleged, if supported by evidence given credit at the hearing, would sustain a favorable decision on the petition." (*In re J.P.* (2014) 229 Cal.App.4th 108, 127; accord, *In re G.B.* (2014) 227 Cal.App.4th 1147, 1157.)

We review the juvenile court's decision to deny a section 388 petition without a hearing for an abuse of discretion. (*In re G.B., supra*, 227 Cal.App.4th at p. 1158.) We similarly review the court's determination whether modification of the previous order is in the child's best interest for an abuse of discretion. (*In re Stephanie M., supra*, 7 Cal.4th at p. 318.) We ""'will not disturb that decision unless the trial court has exceeded the limits of legal discretion by making an arbitrary, capricious, or patently absurd determination [citations].'"" (*Ibid.*)

2. *The juvenile court did not abuse its discretion*

Mother contends the juvenile court abused its discretion in denying her request for an evidentiary hearing given evidence of her participation in multiple classes and counseling sessions, her continued sobriety, and her regular visits with the children at which she claims she was attentive to their needs, including feeding them, changing their diapers, and acting affectionately toward them. We agree Mother showed a change in circumstances. But even if the juvenile court credited her evidence, the court did not abuse its discretion in determining that increasing Mother's visitation or providing family reunification services was not in the children's best interests. (*In re J.P., supra*, 229 Cal.App.4th at p. 127; *In re G.B., supra*, 227 Cal.App.4th at p. 1157.)

There is no question Mother demonstrated a change in circumstances by providing evidence she completed 13 parenting classes, 13 anger management classes, and 13 domestic violence for victims classes, and had participated in 29 Alcoholics Anonymous meetings and three therapy sessions. Mother also submitted nine negative tests for alcohol and drugs (although she missed three tests).

But notwithstanding Mother's completion of parenting classes and other services, the court could reasonably have concluded Mother did not implement the skills she learned during monitored visits with her infant daughters. Mother points to the child and family team meeting notes from June 25, 2019 indicating Mother was better at controlling her anger and had "[i]mplement[ed] tools learned in class," but there was overwhelming evidence Mother was not providing appropriate and safe care for her infant daughters. During monitored visits, Mother took videos of the children to document purported abuse by the caregiver and called the PHNs and social workers to point out "alleged marks or bruises on the children's bodies." But Nurse Taggart reported the children showed "no signs [of] abuse, neglect, failure to thrive, injury or acute illness." Further, Nurse Phillips-Harris expressed concerns about Mother's ability to safely handle the babies and her understanding of their developmental needs. Nurse Phillips-Harris observed Mother allowed L.E.'s head to drop back unsupported and noted Mother failed to make contact with either baby during a 10 to 15 minute period during one visit. Moreover, Mother refused to follow the recommendation of the children's pediatrician concerning the children's feeding schedules. Mother said she would continue to feed the children if they looked hungry, even though L.D.

typically vomited the formula through her nose and had diarrhea if she was fed before her scheduled feeding time. The children's first caregiver reported that following Mother's visits the children were irritable and pushed their bottles away at feedings, and it took the children two days to return to their normal schedule after they saw Mother. Mother also continued to smell strongly of cigarette smoke when she visited the children. Given these concerns, the juvenile court did not abuse its discretion in determining increased monitored visits and reunification services would not promote the children's best interests.

B. *The Juvenile Court Did Not Err in Finding the Beneficial Parental Relationship Exception Does Not Apply*

1. *Governing law*

"Section 366.26 requires the juvenile court to conduct a two-part inquiry at the selection and implementation hearing. First, the court determines whether there is clear and convincing evidence the child is likely to be adopted within a reasonable time. [Citations.] Then, if the court finds by clear and convincing evidence the child is likely to be adopted, the statute mandates judicial termination of parental rights unless the parent opposing termination can demonstrate one of the enumerated statutory exceptions applies." (*In re Breanna S.* (2017) 8 Cal.App.5th 636, 645-646 (*Breanna S.*); accord, *In re Elizabeth M.* (2018) 19 Cal.App.5th 768, 780-781.) The beneficial parental relationship exception under section 366.26, subdivision (c)(1)(B)(i), "permits the court to order some other permanent plan if '[t]he parents have maintained regular visitation and contact with the child and the child would benefit from

continuing the relationship.'" (*Breanna S.*, at p. 646; accord, *In re Grace P.* (2017) 8 Cal.App.5th 605, 612.)

The beneficial parental relationship exception "requires the parent to prove both that he or she has maintained regular visitation and that his or her relationship with the child ""promotes the well-being of the child to such a degree as to outweigh the well-being the child would gain in a permanent home with new, adoptive parents."""" (*Breanna S., supra*, 8 Cal.App.5th at p. 646; accord, *In re Marcelo B.* (2012) 209 Cal.App.4th 635, 643.) "A showing the child derives some benefit from the relationship is not a sufficient ground to depart from the statutory preference for adoption." (*Breanna S.*, at p. 646; accord, *In re A.S.* (2018) 28 Cal.App.5th 131, 153 ["'A biological parent who has failed to reunify with an adoptable child may not derail an adoption merely by showing the child would derive *some* benefit from continuing a relationship maintained during periods of visitation with the parent.'"].)

"No matter how loving and frequent the contact, and notwithstanding the existence of an '"emotional bond"' with the child, '"the parents must show that they occupy 'a parental role' in the child's life."'" (*Breanna S., supra*, 8 Cal.App.5th at p. 646; accord*, In re G.B., supra*, 227 Cal.App.4th at p. 1165.) "Factors to consider include ""[t]he age of the child, the portion of the child's life spent in the parent's custody, the "positive" or "negative" effect of interaction between parent and child, and the child's particular needs."'" (*Breanna S.*, at p. 646; accord, *G.B.*, at p. 1166.)

2. *Standard of review*

"The parent has the burden of proving the [beneficial parental relationship] exception applies." (*In re Breanna S., supra*, 8 Cal.App.5th at p. 646; accord, *In re Grace P., supra*, 8 Cal.App.5th at p. 613.) "The court's decision a parent has not satisfied this burden may be based on any or all of the component determinations—whether the parent has maintained regular visitation, whether a beneficial parental relationship exists, and whether the existence of that relationship constitutes 'a compelling reason for determining that termination would be detrimental to the child.'" (*Breanna S.*, at pp. 646-647, quoting § 366.26, subd. (c)(1)(B).) "When the juvenile court finds the parent has not maintained regular visitation or established the existence of the requisite beneficial relationship, our review is limited to determining whether the evidence compels a finding in favor of the parent on this issue as a matter of law." (*Breanna S.*, at p. 647; accord, *In re Elizabeth M., supra*, 19 Cal.App.5th at p. 782; *In re I.W.* (2009) 180 Cal.App.4th 1517, 1528.) "When the juvenile court concludes the benefit to the child derived from preserving parental rights is not sufficiently compelling to outweigh the benefit achieved by the permanency of adoption, we review that determination for abuse of discretion." (*Breanna S.*, at p. 647; accord, *In re K.P.* (2012) 203 Cal.App.4th 614, 622.)[4]

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[4] In *In re Caden C.* (2019) 34 Cal.App.5th 87, 99, review granted July 24, 2019, S255839, the Supreme Court directed the parties to brief: "([1]) what standard governs appellate review of the beneficial parental relationship exception to adoption; and (2) whether a showing that a parent has made progress in addressing the issues that led to dependency is necessary to meet the beneficial parental relationship exception."

3. *Mother failed to establish the existence of a beneficial parental relationship*

The juvenile court found "insufficient evidence to show that [Mother] occupies a parental role in either of these two children's lives" and Mother's relationship with the children did not outweigh the benefit the children would gain in a permanent home with new adoptive parents. On appeal, Mother fails to show the evidence compels a finding the beneficial parental relationship exception applies as a matter of law.

L.D. and L.E. never lived with Mother or Father because they were removed from their parents' physical custody while they were still in the neonatal intensive care unit. As the juvenile court observed, Mother did not progress beyond monitored visits. Mother's demands that a social worker or PHN observe the children for abuse during most visits created "unnecessary intrusive interventions." Further, Mother lacked an understanding of her children's medical and developmental needs. Nurse Phillips-Harris had concerns about Mother's ability to handle the babies safely and to meet their developmental needs, including the need for eye contact and constant interactions. In addition, the children received Regional Center services for occupational therapy, physical therapy, and early intervention, but there is no evidence Mother was aware of these services or participated with the children in them.

More troubling, Mother refused to follow the pediatrician's feeding plan for the children to address their acid reflux and digestion issues. Mother testified at the section 366.26 hearing, "[I]f I see my babies hungry, and the worker just told me they are full, I'm going to feed them." Mother admitted she would not

follow the visitation monitor's instructions not to feed the children if their "body language is saying that they're hungry." Yet feeding L.D. before the scheduled time caused her to vomit up the formula or have diarrhea. After Mother's visits the children were irritable, resisted feeding, and took two days to return to their normal schedule.

Mother's testimony she hugged and kissed the children, gave them manicures and pedicures, provided them baby walkers, and gave them sponge baths using wipes, does not compel a finding a beneficial parental relationship existed between Mother and the children. (*In re Elizabeth M., supra*, 19 Cal.App.5th at p. 782; *Breanna S., supra*, 8 Cal.App.5th at p. 647.)

DISPOSITION

The orders denying Mother's section 388 petition and terminating her parental rights are affirmed.

FEUER, J.

We concur:

PERLUSS, P. J.

SEGAL, J.